

EXHIBIT C

<p>1 2 UNITED STATES DISTRICT COURT 3 SOUTHERN DISTRICT OF NEW YORK 4 -----X</p> <p>5 CHARLENE TALARICO, individually and on 6 behalf of a class of all others similarly 7 situated, 8 9 Plaintiffs, 10 11 -against- 18-CV-909(JPO) 12 13 THE PORT AUTHORITY OF NEW YORK AND NEW 14 JERSEY, 15 16 Defendant. 17 18 -----X 19 October 19, 2020 20 3:00 P.M. 21 22 23 24 25</p> <p>26 Videoconference deposition of the 27 Defendant, PASCALE KERLEGRAND, M.D., taken 28 by the Plaintiffs, pursuant to a court 29 order, reported remotely by Sharon Tal, a 30 Shorthand Reporter and Notary Public of the 31 State of New York.</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>3</p> <p>STIPULATIONS</p> <p>IT IS HEREBY STIPULATED AND AGREED, by and between counsel for the respective parties hereto, that all objections, except as to form, are reserved to the time of trial.</p> <p>IT IS FURTHER STIPULATED AND AGREED that the deposition may be signed and sworn to before any officer authorized to administer an oath.</p> <p>IT IS FURTHER STIPULATED AND AGREED that the sealing and filing of the deposition be waived.</p>
<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>2</p> <p>APPEARANCES:</p> <p>ADVOCATES FOR JUSTICE CHARTERED ATTORNEYS</p> <p>Attorneys for Plaintiff</p> <p>225 Broadway, Suite 1902</p> <p>New York, NY 10007</p> <p>BY: RICHARD SOTO, ESQ.</p> <p>PORT AUTHORITY LAW DEPARTMENT</p> <p>Attorneys for Defendant</p> <p>The Port Authority of New York and New Jersey</p> <p>4 World Trade Center</p> <p>New York, NY, 10007-2366</p> <p>BY: LAUREN GRODENTZIK, ESQ.</p> <p>DAVID KROMM, ESQ.</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>4</p> <p>THE REPORTER: The attorneys participating in this deposition room acknowledge that I am not physically present in the deposition room and that I will be reporting this deposition remotely. They further acknowledge that, in lieu of an oath administered in person, I will administer the oath remotely, pursuant to Executive Order Number 202.7 issued by Governor Cuomo on March 19, 2020. The parties and their counsel consent to this arrangement and waive any objections to this manner of reporting.</p> <p>Please indicate your agreement by stating your name and your agreement on the record.</p> <p>MR. SOTO: Richard Soto for the plaintiff, I agree.</p> <p>MS. GRODENTZIK: Lauren Grodentzik for the Port Authority, I agree.</p> <p>THE WITNESS: I agree.</p> <p>(Continued on next page.)</p>

1 Kerlegrand
2 PASCALE KERLEGRAND, M.D.,
3 called as a witness, having been first
4 duly sworn by a Notary Public of the
5 State of New York, was examined and
6 testified as follows:
7 THE REPORTER: Please state your
8 name for the record.
9 THE WITNESS: Pascale Kerlegand,
10 M.D.
11 THE REPORTER: What is your
12 address?
13 THE WITNESS: 198 Bloomfield
14 Avenue, apt 410, Bloomfield, New Jersey
15 07003.
16 EXAMINATION
17 BY MR. SOTO:
18 Q. Good afternoon, Doctor. My name
19 is Richard Soto. As I stated before, I'm
20 counsel for the plaintiff, Charlene
21 Talarico, in a lawsuit that she has against
22 the Port Authority and which you're asked
23 to give this sworn statement today.
24 Before I get into the body of the
25 questioning, just a few ground rules I'd

1 Kerlegrand
2 like to apprise you of.
3 First, if you can let me finish
4 my question before giving an answer; that
5 will help clarify the record. Second, if
6 you don't understand a question that I
7 posed to you just let me know and I will
8 try to rephrase the question so that you
9 better understand it. And, third, if you
10 could just give verbal responses to all my
11 questions, that will also help clarify the
12 record in this case.
13 So before we go any further, are
14 you on any medications or have any
15 conditions that might affect your ability
16 to give truthful answers to the questions
17 I'm going to depose to you today?
18 A. No.
19 Q. What is your current employment
20 status?
21 A. I'm the Deputy Medical Director
22 at the Department of Sanitation, New York
23 City.
24 Q. How long have you been at that
25 job?

1 Kerlegrand
2 A. Since June 1st, 2018, so two and
3 a half years, two years.
4 Q. At some point in your career,
5 were you ever employed by the Port
6 Authority of New York and New Jersey?
7 A. Yes.
8 Q. When were you employed by them?
9 A. March 4th, 2013 until June 1st,
10 2018.
11 Q. In August of 2016, what job title
12 did you have with the Port Authority?
13 A. Staff physician.
14 Q. What were your responsibilities
15 as a staff physician?
16 A. To evaluate employees for
17 surveillance exams, maintenance of
18 certification exams, post-injury, return to
19 work from sick absentees. I was also a
20 medical review officer so I evaluated and
21 reviewed drug and alcohol test results.
22 Q. And was there a particular
23 location that you worked out of as a staff
24 physician for the Port Authority in August
25 of 2016?

1 Kerlegrand
2 A. My main station was at 233 Park
3 Avenue South, however, I would cover for
4 other physicians throughout the Port
5 Authority, different locations.
6 Q. And you mentioned that you were
7 employed by Port Authority through June
8 2018, is there any particular reason why
9 you moved on from the Port Authority?
10 A. Well, I got a higher paying
11 position with more responsibility. So
12 those are two reasons.
13 Q. When did you become a licensed
14 medical doctor?
15 A. 1992.
16 Q. Is there a particular
17 specialization of your practice?
18 A. Family medicine.
19 Q. And where did you go to medical
20 school?
21 A. University of Buffalo. It's now
22 called Jacob School of Medicine in Buffalo,
23 New York.
24 Q. When did you graduate from
25 medical school?

1 Kerlegrand
 2 A. 1992.
 3 Q. I just want to draw your
 4 attention to the day of August 4, 2016.
 5 Did you perform a medical evaluation on
 6 Charlene Talarico on that date?
 7 A. Yes, I did.
 8 Q. What was the purpose of that
 9 evaluation?
 10 A. I was told that she had been
 11 injured while at work and I would do a
 12 post-injury evaluation.
 13 Q. Who told you that she had been
 14 injured at work?
 15 A. Robin Martin.
 16 Q. And who is Robin Martin?
 17 A. I can't remember what her title
 18 was at the time, but she was the director
 19 of the medical division at the Port
 20 Authority.
 21 Q. Was she your immediate supervisor
 22 at that time?
 23 A. No, not my immediate.
 24 Q. Who was your immediate supervisor
 25 at that time?

10

1 Kerlegrand
 2 A. Dr. Howard Fischer.
 3 Q. Was it standard practice that Ms.
 4 Martin would tell you that you were going
 5 to perform a medical evaluation?
 6 MS. GRODENTZIK: Objection to
 7 form.
 8 You could answer.
 9 A. Usually not, no.
 10 BY MR. SOTO:
 11 Q. Who would usually tell you you
 12 were going to perform a medical evaluation
 13 on a particular person?
 14 MS. GRODENTZIK: Objection to
 15 form. Assumes facts not yet
 16 established.
 17 You can answer, if you can.
 18 A. Either Dr. Fischer or the nurse
 19 supervisor or one of the nurses would task
 20 a case to me.
 21 BY MR. SOTO:
 22 Q. What did Robin Martin tell you
 23 when this communication about the medical
 24 evaluation you were going to perform was
 25 communicated to you?

1 Kerlegrand
 2 A. Robin Martin called me into her
 3 office and told me that she had been
 4 notified that Charlene Talarico is claiming
 5 that she had been injured in an altercation
 6 with her supervisor, and that she needed to
 7 be evaluated medically for the injury; and
 8 that Charlene Talarico would be coming into
 9 Park Avenue South to have that evaluation
 10 performed.
 11 Q. At some point did you receive any
 12 specific instructions on how to conduct the
 13 evaluation?
 14 A. No, I did not.
 15 Q. Did Ms. Martin ever indicate to
 16 you who had told her that Ms. Talarico had
 17 been injured?
 18 A. No, she did not.
 19 Q. Do you recall what time of the
 20 day this conversation took place?
 21 A. It was in the morning. I don't
 22 remember the time. I would say anywhere
 23 from 9:30 to 10:30.
 24 Q. And at what time did Ms. Talarico
 25 arrive for the medical evaluation?

12

1 Kerlegrand
 2 A. I don't remember the time but it
 3 was after lunch. So I'd say maybe 12:30,
 4 1:00 p.m. I'm not sure. Any time after
 5 those two times.
 6 Q. Where did this medical evaluation
 7 take place?
 8 A. 233 Park Avenue South, eighth
 9 floor.
 10 Q. Was there a particular room on
 11 the eighth floor where this evaluation took
 12 place?
 13 A. It took place in the emergency
 14 rooms.
 15 Q. If you can describe the medical
 16 evaluation that you gave Ms. Talarico when
 17 she came in?
 18 A. When she came in, uh, I remember
 19 walking into the emergency room. I believe
 20 the nurse that accompanied me was already
 21 in the emergency room. I introduced myself
 22 and I got a little bit of a history of the
 23 injury, and I started to examine Ms.
 24 Talarico's hand, because that was what was
 25 injured.

1 Kerlegrand

2 Q. What was the name of the nurse

3 who was with you?

4 A. Mary Burke.

5 Q. What did Ms. Talarico tell you

6 about the history of the injury to the

7 hand?

8 A. She told me that she was in a

9 meeting with her direct supervisor. I

10 don't know if that's her direct supervisor,

11 but she was in a meeting with I believe

12 Diane Eller or Ellers is the name. Diane

13 Eller was accompanied by a male. I don't

14 remember the male's name. And Charlene

15 Talarico told me that she was holding

16 either a water bottle or some kind of a

17 beverage in one hand and in the other hand

18 she had her cellphone.

19 At one point Diane Eller accused

20 her of recording the interaction or the

21 meeting. And Diane Eller tried to grab

22 Charlene Talarico's phone from her hand,

23 and as a result, her hand got injured.

24 Q. What did your examination of the

25 actual hand reveal?

1 Kerlegrand

2 A. I don't have my notes with me so

3 this is from memory, but she had swelling,

4 if I'm not mistaken, she had redness and

5 there was sign of an injury, what I would

6 call a sprain.

7 Q. And did you take notes during

8 this examination?

9 A. I did.

10 Q. Do you have a copy of those

11 notes?

12 A. I do not.

13 Q. Is there anyone who would have a

14 copy of those notes?

15 A. They should be in her medical

16 record.

17 Q. With whom is that medical record

18 being held --

19 A. With Port Authority Medical

20 Division. It should be part of her

21 electronic medical record as well.

22 Q. Did you determine a course of

23 treatment, if any, to deal with the

24 swelling of the hand?

25 A. I first asked that X-rays be

1 Kerlegrand

2 taken of her hand. I did not think there

3 was a fracture but I just wanted to ensure

4 that there were no other injuries that I

5 wasn't seeing.

6 And based on the X-ray, there

7 didn't seem to be any fracture, therefore,

8 I recommended the standard treatment for a

9 sprain, which would be R-I-C-E is the

10 acronym.

11 So R is for rest, I is for ice, C

12 is for compression with an ace-bandage, E

13 is for elevation and I also recommended, I

14 believe, some kind of anti-inflammatory,

15 either ibuprofen or naproxen. I can't be

16 sure, I don't have the notes.

17 Third, I recommended that she see

18 a hand surgeon.

19 Q. Is there any particular reason

20 why you recommended she see a hand surgeon?

21 A. Well, I wanted to ensure that

22 there were not any torn ligaments or soft

23 tissue damage that was more of a clinical

24 issue than I would have thought it to be.

25 Q. Was there a particular hand

1 Kerlegrand

2 surgeon that you referred her to?

3 A. There was.

4 Q. Do you recall who that person

5 was?

6 A. I do not.

7 Q. Do you recall recommending the

8 timing of when she was supposed to see the

9 specialist?

10 A. The nurse -- one of the nurses

11 made the appointment. I don't remember if

12 -- I believe it was the following day,

13 which would have been August 5th, and that

14 would have been a Friday. But I can't be

15 sure. I don't have my notes.

16 Q. Do you know if Ms. Talarico was

17 scheduled to see any other medical

18 professionals at 233 Park Avenue South on

19 that day?

20 A. I don't know if she was

21 scheduled, but I believe she might have

22 seen the psychologist, Dr. Jeremy -- I

23 don't remember his surname, but I believe

24 she might have seen him as well.

25 Q. Was she scheduled to see a Dr.

1 Kerlegrand
 2 Novich?
 3 A. That might be -- Dr. Jeremy
 4 Novich. That might be his surname. I
 5 don't know if she was scheduled to see him
 6 or not, but I believe she did end up seeing
 7 him after she saw me. But I'm not sure.
 8 But I know that she saw Dr. Jeremy Novich
 9 that day.
 10 Q. Did you share anything with Dr.
 11 Novich on that day about her case?
 12 A. Not that I recall. At this point
 13 I don't recall that.
 14 Q. Do you know what the purpose of
 15 her meeting with Dr. Novich was?
 16 A. I do not.
 17 Q. Are you aware of what a medical
 18 status evaluation is at Port Authority
 19 Office of Medical Services?
 20 MS. GRODENTZIK: Objection.
 21 You could answer if you can.
 22 A. I believe so, yes.
 23 Q. What is a medical status
 24 evaluation?
 25 A. It's an evaluation to determine

1 Kerlegrand
 2 whether the employee is medically able to
 3 perform duties or not.
 4 Q. On the day of August 4th did you
 5 have any hand in conducting a medical
 6 status evaluation of Ms. Talarico?
 7 A. I believe that's part of the
 8 examination that I performed.
 9 Q. And did you help draw a
 10 conclusion on her medical fitness to
 11 perform her work on that day?
 12 A. I did.
 13 Q. Did anyone else help you
 14 formulate that position on that day?
 15 A. No.
 16 Q. What was the conclusion you
 17 reached about her ability to perform her
 18 work --
 19 A. I --
 20 Q. -- status evaluation?
 21 A. Well, medically, given her job
 22 title, she could still probably work with
 23 the hand like that, but if I remember
 24 correctly, I think I might have kept her
 25 out of work, I'm not sure.

1 Kerlegrand
 2 Q. Do you recall why you kept her
 3 out of work?
 4 A. I know I wanted her to be
 5 evaluated by the hand surgeon. I don't
 6 remember when the appointment with the hand
 7 surgeon was for. I believe it was the
 8 following day but I'm not sure. I think I
 9 wanted her to be evaluated to ensure that
 10 there were no more serious injuries than
 11 what my exam revealed and then we would do
 12 her work determination. I'm not sure.
 13 Q. Did you do any follow up
 14 evaluations of Ms. Talarico after August 4,
 15 2016?
 16 MS. GRODENTZIK: Do you mean with
 17 respect to the hand?
 18 MR. SOTO: I'll narrow it down.
 19 Q. With respect to the hand?
 20 A. No.
 21 Q. Did you do any sort of follow-up
 22 medical status evaluation with Ms. Talarico
 23 after August 4, 2016?
 24 A. No.
 25 Q. Changing gears a bit.

1 Kerlegrand
 2 Are you aware of any policies or
 3 procedures at the Port Authority
 4 surrounding the use of video surveillance
 5 equipment at the Office of Medical Services
 6 at 233 Park Avenue South?
 7 MS. GRODENTZIK: Objection.
 8 You can answer, if you know.
 9 A. I did not know.
 10 Q. My question right now is on
 11 policy and procedure. Are you aware of any
 12 policy and procedure surrounding the use of
 13 the security camera at 233 Park Avenue
 14 South?
 15 A. Now?
 16 Q. At the time of August 4, 2016?
 17 A. No, I did not.
 18 Q. Were you aware that this
 19 examination that you were conducting of Ms.
 20 Talarico was being recorded on a video
 21 camera?
 22 A. I was not aware.
 23 Q. When did you become aware that
 24 your examination of Ms. Talarico on August
 25 4, 2016 had been recorded on a video

1 Kerlegrand
2 camera?
3 A. I don't remember the exact date
4 but I have it in my notes, but I would have
5 to check. It was some time -- I would have
6 to check. I think early 2017 I became
7 aware -- in March 2017.
8 Q. How did you become aware that
9 that evaluation had been recorded?
10 A. Dr. Fischer indicated it to me.
11 I was examining an employee in another room
12 and he came to me and said that I need to
13 report to Robin Martin's office
14 immediately. When I got to Robin's office
15 Robin Martin told me to sit at her computer
16 desk and review something on the computer.
17 And when they turned the computer on, I
18 believe it was either Dr. Fischer or Robin
19 Martin started the computer feed, it showed
20 Charlene Talarico's examination.
21 Q. What was your reaction when you
22 learned that that examination had been
23 video taped?
24 A. Extreme shock, distress, outrage.
25 Q. And why did you feel shock,

1 Kerlegrand
2 distress, and outrage?
3 A. I immediately said: This was
4 recorded? Where is the camera? Why was
5 this recorded?
6 And then Robin answered: You
7 just need to narrate your exam for that
8 day.
9 Q. When she said you just need to
10 narrate what happened that day, was that
11 for her for anybody in particular?
12 A. I asked Robin can you explain why
13 I need to narrate this, why do I need to
14 narrate the video feed?
15 Q. What did she say?
16 A. She said that Charlene Talarico
17 is claiming that she was not examined by a
18 physician on August 4, 2016. So would I
19 mind going through the video feed to
20 explain each of my actions throughout the
21 video.
22 Q. Did she say what venue you would
23 be explaining your actions in?
24 A. As the video feed continued,
25 Robin told me to say what am I doing at

1 Kerlegrand
2 each point in the video.
3 Q. So you were narrating to her what
4 you were doing in the video?
5 A. There were other people in
6 Robin's office.
7 Q. Do you recall who those
8 individuals were aside from Robin Martin
9 and Dr. Fischer?
10 A. Paulette Counts was there and
11 Detective Gaunt, G-A-U-N-T.
12 Q. Just to go back a bit. Who is
13 Dr. Fischer?
14 A. Dr. Fischer is the chief medical
15 officer of Port Authority, I believe, that
16 was his title at the time.
17 Q. And who is Paulette Counts?
18 A. Paulette Counts, I don't know
19 what her official title was. I think it
20 was operational supervisor but I'm not
21 sure.
22 Q. Do you recall who Detective Gaunt
23 was?
24 A. Gaunt, he was a detective with
25 the Port Authority Police.

1 Kerlegrand
2 Q. And during the course of this
3 meeting in which you narrated what was
4 happening in this video, did you ever
5 receive any indication on how the video had
6 been produced?
7 A. I did at one point.
8 Q. What did you learn?
9 A. When I finished narrating the
10 first time I was asked to narrate again.
11 And after the second time, I stated that
12 I'm very concerned that this is on video.
13 And who had knowledge that there's a camera
14 in the emergency room. And each person
15 said they didn't know. I said where is the
16 camera and they said they didn't know. And
17 I said, well, from the feed, the video
18 feed, the camera is probably above the door
19 that goes into the reception room, and I
20 want to go look right now and see if
21 there's a camera. So we all went and
22 looked.
23 Q. What did you discover when you
24 all went and looked?
25 A. We saw it above the double door

1 Kerlegrand
2 that is between the emergency room and the
3 inner reception area.

4 Q. Did you receive any indication
5 that day on how this video had been stored
6 after it had been recorded?

7 A. Not on that day, no.

8 Q. Did you subsequently come to
9 learn how the video had been stored after
10 it had been recorded?

11 MS. GRODENTZIK: Objection to
12 form.

13 You can answer.

14 A. I don't know about storage but I
15 kept asking how did the video end up here,
16 what happened.

17 BY MR. SOTO:

18 Q. Who did you direct those
19 inquiries to?

20 A. I directed those inquiries to Dr.
21 Fischer and to Robin Martin.

22 Q. What response did you receive?

23 A. I was told that as part of the
24 discovery for the criminal case these
25 videos were included with the documents

1 Kerlegrand

2 I saw it as a violation of my rights and
3 the employee's rights.

4 Q. You said there were several
5 reasons. Are there other reasons other
6 than that that you were outraged over the
7 videotaping?

8 A. At the time I couldn't understand
9 why the camera was there and there were
10 many things going through my mind. What
11 was the reason the cameras are there. Are
12 they checking up on us, employees, or what
13 are they looking for.

14 Q. Did you ever seek any explanation
15 of why the camera was there in the initial
16 first place?

17 A. Yes.

18 Q. Who did you direct that inquiry
19 to?

20 A. Dr. Fischer.

21 Q. Did you receive a satisfactory
22 response to that inquiry?

23 MS. GRODENTZIK: Objection.
24 You could answer.

25 A. I received a response but didn't

1 Kerlegrand
2 that were sent over to the prosecutor in
3 Weehawken.

4 Q. The room in which Ms. Talarico
5 was examined by yourself on August 4, 2016,
6 do you have an estimate on how often exams
7 are conducted in that room in 2016 on a
8 daily basis?

9 MS. GRODENTZIK: Objection to
10 form.

11 You can answer.

12 A. I really don't know.

13 Q. Is it a room that was often in
14 use or rarely in use?

15 A. It was often in use.

16 Q. Before you indicated you were,
17 among other emotions, you were outraged
18 that this examination had been videotaped.
19 Why were you outraged?

20 A. I was outraged because -- for
21 several reasons. First of all, I was the
22 physician conducting the exam and I never
23 gave consent to have an exam videotaped.
24 That's not something I would've consented
25 to and I was never given the opportunity.

1 Kerlegrand

2 think it was satisfactory.

3 BY MR. SOTO:

4 Q. What was the nature of the
5 response?

6 A. The response was that the camera
7 must have been there from the time the
8 medical department had taken over that
9 space I believe back in 20 -- 2003. The
10 camera might have been put there to make
11 sure no one was stealing medications from
12 the medication cabinet.

13 Q. Why did you deem that response
14 unsatisfactory?

15 A. I explained to Dr. Fischer that
16 we don't keep medications in that cabinet
17 that's in view of the camera so why is the
18 camera still there.

19 Q. When you pointed that out did you
20 receive any sort of a response?

21 A. Yes, I did.

22 Q. What was the response?

23 A. The response was, well, we moved
24 in after 9/11. It might be that we were
25 keeping medications in that cabinet at that

1 Kerlegrand
 2 time. I'm not sure why it's there now.
 3 That's basically the response I got.
 4 MR. SOTO: I think I'm pretty
 5 much done with the main line of my
 6 questioning. I do want to try and see
 7 if we can share this video on screen.
 8 Off the record.
 9 (Whereupon, an off-the-record
 10 discussion was held.)
 11 (Whereupon, the video was so
 12 marked as Plaintiffs' Exhibit 1 for
 13 identification as of this date.)
 14 MR. SOTO: I have a video here.
 15 It's an MP4 file. It's marked
 16 TH11-133100-135207. We'll just mark
 17 this as Exhibit 1, even though I don't
 18 have a physical copy to circulate but
 19 we'll try to circulate a physical copy
 20 of this at a later time.
 21 It's a 22-minute video. I'm just
 22 going to briefly play the first couple
 23 of minutes.
 24 MS. GRODENTZIK: Just for the
 25 record, do you want to read the

1 Kerlegrand
 2 timestamp that you're playing so that
 3 we know where you started and where
 4 you're ending?
 5 MR. SOTO: Sure.
 6 BY MR. SOTO:
 7 Q. The timestamp on this
 8 16-08-04-13:31:03 hours. I will start
 9 playing. I'm going to pause right here.
 10 I'm pausing at 13:31 dash 07.
 11 Do you recognize this video, Dr.
 12 Kerlegrand?
 13 A. Yes, I do.
 14 Q. How do you recognize this?
 15 A. That is the emergency room.
 16 That's me standing with the white coat and
 17 that is Charlene Talarico.
 18 Q. You mentioned before that you had
 19 been shown a video by Robin Martin and Dr.
 20 Fischer. Is this the video that they
 21 showed you that they asked you to narrate?
 22 A. This is only one frame but I
 23 believe this is the video, this is part of
 24 the video, yes.
 25 Q. Who is the individual on the

1 Kerlegrand
 2 right in this video snapshot?
 3 A. That's me.
 4 Q. And who is the individual on the
 5 left?
 6 A. That's Ms. Talarico.
 7 Q. I'm not going to go through the
 8 entire video with you. I do just have one
 9 question about this video.
 10 Before you were discussing going
 11 back to this room and examining the
 12 physical location of the video. So from
 13 this vantage point, where in this room is
 14 the video camera located?
 15 A. The video camera is close to the
 16 ceiling, very high up, and it's above two
 17 double doors.
 18 Q. And what sort of vantage point
 19 does it have into this area?
 20 MS. GRODENTZIK: Objection.
 21 You could answer if you know.
 22 And, also, the video speaks for
 23 itself.
 24 A. This shows part of the emergency
 25 room.

1 Kerlegrand
 2 BY MR. SOTO:
 3 Q. Did you ever notice this camera
 4 in this room before you had been alerted to
 5 its presence by Dr. Fischer and Ms.
 6 Martin?
 7 A. No.
 8 MR. SOTO: I'm going to try to
 9 stop sharing this now.
 10 Let me just take a minute and to
 11 see if I have any further questions and
 12 you can do redirect if you want.
 13 (Whereupon, a short recess was
 14 taken.)
 15 COURT REPORTER: Are you ordering
 16 this transcript?
 17 MS. GRODENTZIK: Yes, thanks.
 18 MR. SOTO: Just a couple of
 19 questions.
 20 BY MR. SOTO:
 21 Q. Doctor, were you aware if -- you
 22 said yourself that you weren't aware if
 23 this exam was being videotaped. Do you
 24 know if Mr. Talarico was aware at the time
 25 that this exam was being conducted by

1 Kerlegrand
 2 yourself that she was being videotaped?
 3 MS. GRODENTZIK: Objection.
 4 You could answer if you know.
 5 A. I do not know.
 6 BY MR. SOTO:
 7 Q. And just to make it clear for the
 8 record, since you weren't aware that this
 9 was being videotaped, you were unable to
 10 communicate to Ms. Talarico when you were
 11 taking this exam, that her examination was
 12 being videotaped?
 13 MS. GRODENTZIK: Objection.
 14 You could answer.
 15 A. Correct.
 16 BY MR. SOTO:
 17 Q. After learning this exam had been
 18 videotaped, did you change at all your
 19 routine for conducting medical examinations
 20 at 233 Park Avenue South?
 21 MS. GRODENTZIK: Objection.
 22 You could answer.
 23 Relevance.
 24 A. I really don't remember. I mean,
 25 I don't know for sure. I think I would but

1 Kerlegrand
 2 I don't know.
 3 BY MR. SOTO:
 4 Q. Did you ask to be informed going
 5 forward after learning this exam had been
 6 videotaped to be kept abreast of when your
 7 medical examinations were being videotaped
 8 by the Port Authority?
 9 MS. GRODENTZIK: Objection.
 10 You could answer.
 11 A. I asked to know where else in
 12 Port Authority there may be cameras.
 13 BY MR. SOTO:
 14 Q. Who did you ask?
 15 A. Dr. Fischer.
 16 Q. What response did you receive to
 17 that inquiry?
 18 A. I believe he told me at 233 Park
 19 Avenue South that was the only camera. And
 20 that at the Tech Center there might have
 21 been a camera in one of the hallways for
 22 one of the equipment. And at Journal
 23 Square. I don't remember.
 24 Q. And when you made that inquiry
 25 and he told you about the existence of

1 Kerlegrand
 2 these possible other cameras, did he
 3 indicate to you what protocol there would
 4 be in terms of keeping you abreast of when
 5 you were actually being videotaped,
 6 conducting examinations?
 7 A. Well, the information wasn't
 8 given to me all at once. If I remember
 9 correctly, he had to contact the building
 10 maintenance supervisor for each facility.
 11 And as he got a response from each of those
 12 supervisors, he would then inform me.
 13 So he emailed me, I believe, a
 14 floor plan for 233 Park Avenue South that
 15 showed where cameras used to be and where
 16 there was only this one existing. And I
 17 think by that time it was no longer there.
 18 And then at a later date, I got
 19 an email that showed a picture of a hallway
 20 at the Tech Center of a common hallway.
 21 The Tech Center. Port Authority Tech
 22 Center is the complete name.
 23 Q. Do you still have copies of those
 24 emails?
 25 A. I don't have -- I would have to

1 Kerlegrand
 2 -- I have notes that I took at the time and
 3 it took me a long time to find them because
 4 they're in my Port Authority papers. I
 5 finally found the notes that I took.
 6 Q. Those notes that you took, when
 7 did you take those notes?
 8 A. I started taking the notes the
 9 day of February 2017.
 10 MR. SOTO: I ask for supplemental
 11 production of Dr. Kerlegrand's notes.
 12 I'll put it in writing.
 13 BY MR. SOTO:
 14 Q. So this is information you're
 15 discussing you got from Dr. Fischer about
 16 locations of cameras, but did he ever give
 17 you any indication on, moving forward, how
 18 the Port Authority might keep you abreast
 19 of when the cameras were actually turned on
 20 while you were conducting evaluations?
 21 MS. GRODENTZIK: Objection.
 22 Assumes facts not established or known,
 23 but you can answer if you can.
 24 A. I actually don't understand the
 25 question.

1 Kerlegrand
 2 BY MR. SOTO:
 3 Q. You indicated before that you
 4 were outraged that this examination had
 5 been filmed without your consent. Did Dr.
 6 Fischer or anyone else at the Port
 7 Authority ever tell you about, moving
 8 forward, how would they address that
 9 outrage and keep you informed when and if
 10 medical examinations were being filmed?
 11 MS. GRODENTZIK: Same objection.
 12 You can answer if you can.
 13 A. Well, I remember at one point,
 14 I'm not sure during the time it was, Dr.
 15 Fischer did tell me that there are no video
 16 cameras that are in patients' rooms.
 17 BY MR. SOTO:
 18 Q. Do you recall when exactly he
 19 told you that?
 20 A. I don't know for sure but I know
 21 we did have that conversation. I was
 22 actually covering for Dr. Whiteley at
 23 Journal Square Medical Center, and Dr.
 24 Fischer called me and told me that he
 25 investigated with each of the building

1 Kerlegrand
 2 maintenance people at each facility, and
 3 there are no cameras there in the
 4 examination rooms.
 5 Q. After you learned that this
 6 examination of Mr. Talarico had been
 7 videotaped, aside from Ms. Martin and Dr.
 8 Fischer, did you discuss this with any
 9 colleagues at Office of Medical Services?
 10 A. I discussed this with at least
 11 two other people.
 12 Q. Who are these other people?
 13 A. One was Mary Burke, the nurse who
 14 was in the exam room with me on August 4th.
 15 Q. And do you recall who the other
 16 individual was?
 17 A. Loretta Platero. She was the
 18 nurse supervisor.
 19 Q. What was Nurse Burke's reaction?
 20 A. Surprise. She's actually in the
 21 video as well. She was surprised.
 22 Q. What was Nurse Platero's
 23 reaction?
 24 A. She was surprised because part of
 25 that room is her office. So the nurse

1 Kerlegrand
 2 supervisor's office is within that space.
 3 There's a curtain that separates the nurse
 4 supervisor's desk from the rest of the
 5 emergency room.
 6 MR. SOTO: I don't think I have
 7 any other questions at this point.
 8 Do you have any questions,
 9 Lauren?
 10 MS. GRODENTZIK: I don't have any
 11 questions.
 12 MR. SOTO: So I think we're done.
 13 COURT REPORTER: Are you ordering
 14 the original and one of this
 15 transcript?
 16 MR. SOTO: Yes.
 17 (Time noted: 4:05 p.m.)
 18
 19
 20
 21
 22
 23
 24
 25

1 Kerlegrand
 2 October 19, 2020
 3 ERRATA
 4
 5 PAGE/LINE CHANGE/REASON

6 _____
 7 _____
 8 _____
 9 _____
 10 _____
 11 _____
 12 _____
 13 _____
 14 _____
 15 _____
 16 _____
 17 _____
 18 _____
 19 _____
 20 _____
 21 _____
 22 _____
 23 _____
 24 _____
 25 _____

1 Kerlegrand
2
3
4
5
6
7
8
9 PASCALE KERLEGRAND, M.D.
10
11
12
13 Subscribed and sworn to
14 before me this day
15 of 2020
16
17
18
19
20
21
22
23
24
25

1
2 October 19, 2020
3
4 INDEX
5 WITNESS EXAMINATION BY PAGE
6 Pascale Kerlegrand Mr. Soto 5
7
8 PLAINTIFFS' PAGE
9 Exhibit 1 29 Video
10
11 REQUEST: 36
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1
2 CERTIFICATE
3 STATE OF NEW YORK)
4) ss.
5 COUNTY OF NEW YORK)
6
7 I, Sharon Tal, a Shorthand Reporter
8 and Notary Public within and for the State
9 of New York, do hereby certify:
10 That PASCALE KERLEGRAND, M.D., the
11 witness whose deposition is hereinbefore set
12 forth, was duly sworn by me and that such
13 deposition is a true record of the testimony
14 given by such witness.
15 I further certify that I am not
16 related to any of the parties to this action
17 by blood or marriage and that I am in no way
18 interested in the outcome of this matter.
19
20
21
22 SHARON TAL
23
24
25

0	5	assumes [2] - 10:15, 36:22 attention [1] - 9:4 ATTORNEYS [1] - 2:4 attorneys [1] - 4:2 Attorneys [2] - 2:5, 2:11 August [12] - 7:11, 7:24, 9:4, 16:13, 18:4, 19:14, 19:23, 20:16, 20:24, 22:18, 26:5, 38:14 Authority [21] - 2:12, 4:22, 5:22, 7:6, 7:12, 7:24, 8:5, 8:7, 8:9, 9:20, 14:19, 17:18, 20:3, 23:15, 23:25, 34:8, 34:12, 35:21, 36:4, 36:18, 37:7 AUTHORITY [2] - 1:8, 2:10 authorized [1] - 3:11 Avenue [10] - 5:14, 8:3, 11:9, 12:8, 16:18, 20:6, 20:13, 33:20, 34:19, 35:14 aware [12] - 17:17, 20:2, 20:11, 20:18, 20:22, 20:23, 21:7, 21:8, 32:21, 32:22, 32:24, 33:8	24:18, 24:21, 27:9, 27:15, 28:6, 28:10, 28:17, 28:18, 31:14, 31:15, 32:3, 34:19, 34:21 cameras [8] - 27:11, 34:12, 35:2, 35:15, 36:16, 36:19, 37:16, 38:3 career [1] - 7:4 case [4] - 6:12, 10:20, 17:11, 25:24 ceiling [1] - 31:16 cellphone [1] - 13:18 Center [6] - 2:14, 34:20, 35:20, 35:21, 35:22, 37:23 CERTIFICATE [1] - 42:2 certification [1] - 7:18 certify [2] - 42:9, 42:15 change [1] - 33:18 CHANGE/REASON [1] - 40:5 changing [1] - 19:25 Charlene [9] - 5:20, 9:6, 11:4, 11:8, 13:14, 13:22, 21:20, 22:16, 30:17 CHARLENE [1] - 1:4 CHARTERED [1] - 2:4 check [2] - 21:5, 21:6 checking [1] - 27:12 chief [1] - 23:14 circulate [2] - 29:18, 29:19 City [1] - 6:23 claiming [2] - 11:4, 22:17 clarify [2] - 6:5, 6:11 class [1] - 1:4 clear [1] - 33:7 clinical [1] - 15:23 close [1] - 31:15 coat [1] - 30:16 colleagues [1] - 38:9 coming [1] - 11:8 common [1] - 35:20 communicate [1] - 33:10 communicated [1] - 10:25 communication [1] - 10:23 complete [1] - 35:22 compression [1] - 15:12 computer [4] - 21:15, 21:16, 21:17, 21:19 concerned [1] - 24:12 conclusion [2] - 18:10, 18:16 conditions [1] - 6:15 conduct [1] - 11:12 conducted [2] - 26:7, 32:25 conducting [6] - 18:5, 20:19, 26:22, 33:19, 35:6, 36:20 consent [3] - 4:13, 26:23, 37:5 consented [1] - 26:24 contact [1] - 35:9
07 [1] - 30:10 07003 [1] - 5:15	5 [1] - 43:6 5th [1] - 16:13		
1	9		
1 [3] - 29:12, 29:17, 43:9 10007 [1] - 2:7 10007-2366 [1] - 2:15 10:30 [1] - 11:23 12:30 [1] - 12:3 13:31 [1] - 30:10 16-08-04-13:31:03 [1] - 30:8 18-CV-909(JPO) [1] - 1:7 19 [4] - 1:11, 4:12, 40:2, 43:2 1902 [1] - 2:6 198 [1] - 5:13 1992 [2] - 8:15, 9:2 1:00 [1] - 12:4 1st [2] - 7:2, 7:9	9/11 [1] - 28:24 9:30 [1] - 11:23 A ability [2] - 6:15, 18:17 able [1] - 18:2 abreast [3] - 34:6, 35:4, 36:18 absentees [1] - 7:19 accompanied [2] - 12:20, 13:13 accused [1] - 13:19 ace [1] - 15:12 ace-bandage [1] - 15:12 acknowledge [2] - 4:4, 4:7 acronym [1] - 15:10 action [1] - 42:16 actions [2] - 22:20, 22:23 actual [1] - 13:25 address [2] - 5:12, 37:8 administer [2] - 3:12, 4:9 administered [1] - 4:8 ADVOCATES [1] - 2:4 affect [1] - 6:15 afternoon [1] - 5:18 agree [3] - 4:20, 4:23, 4:24 AGREED [3] - 3:4, 3:9, 3:13 agreement [2] - 4:16, 4:17 alcohol [1] - 7:21 alerted [1] - 32:4 altercation [1] - 11:5 AND [4] - 1:8, 3:4, 3:9, 3:13 answer [15] - 6:4, 10:8, 10:17, 17:21, 20:8, 25:13, 26:11, 27:24, 31:21, 33:4, 33:14, 33:22, 34:10, 36:23, 37:12 answered [1] - 22:6 answers [1] - 6:16 anti [1] - 15:14 anti-inflammatory [1] - 15:14 APPEARANCES [1] - 2:2 appointment [2] - 16:11, 19:6 apprise [1] - 6:2 apt [1] - 5:14 area [2] - 25:3, 31:19 arrangement [1] - 4:14 arrive [1] - 11:25 aside [2] - 23:8, 38:7		
2	20 [1] - 28:9 2003 [1] - 28:9 2013 [1] - 7:9 2016 [10] - 7:11, 7:25, 9:4, 19:15, 19:23, 20:16, 20:25, 22:18, 26:5, 26:7 2017 [3] - 21:6, 21:7, 36:9 2018 [3] - 7:2, 7:10, 8:8 202.7 [1] - 4:11 2020 [5] - 1:11, 4:12, 40:2, 41:15, 43:2 22-minute [1] - 29:21 225 [1] - 2:6 233 [8] - 8:2, 12:8, 16:18, 20:6, 20:13, 33:20, 34:18, 35:14 29 [1] - 43:9		
3	36 [1] - 43:11 3:00 [1] - 1:11		
4	4 [8] - 2:14, 9:4, 19:14, 19:23, 20:16, 20:25, 22:18, 26:5 410 [1] - 5:14 4:05 [1] - 39:17 4th [3] - 7:9, 18:4, 38:14		
	B bandage [1] - 15:12 based [1] - 15:6 basis [1] - 26:8 became [1] - 21:6 become [3] - 8:13, 20:23, 21:8 behalf [1] - 1:4 better [1] - 6:9 between [2] - 3:5, 25:2 beverage [1] - 13:17 bit [3] - 12:22, 19:25, 23:12 blood [1] - 42:17 Bloomfield [2] - 5:13, 5:14 body [1] - 5:24 bottle [1] - 13:16 briefly [1] - 29:22 Broadway [1] - 2:6 Buffalo [2] - 8:21, 8:22 building [2] - 35:9, 37:25 Burke [2] - 13:4, 38:13 Burke's [1] - 38:19 BY [18] - 2:8, 2:16, 5:17, 10:10, 10:21, 25:17, 28:3, 30:6, 32:2, 32:20, 33:6, 33:16, 34:3, 34:13, 36:13, 37:2, 37:17, 43:5	C cabinet [3] - 28:12, 28:16, 28:25 camera [19] - 20:13, 20:21, 21:2, 22:4, 24:13, 24:16,	

Continued [1] - 4:25 continued [1] - 22:24 conversation [2] - 11:20, 37:21 copies [1] - 35:23 copy [4] - 14:10, 14:14, 29:18, 29:19 correct [1] - 33:15 correctly [2] - 18:24, 35:9 counsel [3] - 3:5, 4:13, 5:20 Counts [3] - 23:10, 23:17, 23:18 COUNTY [1] - 42:5 couple [2] - 29:22, 32:18 course [2] - 14:22, 24:2 COURT [3] - 1:2, 32:15, 39:13 court [1] - 1:16 cover [1] - 8:3 covering [1] - 37:22 criminal [1] - 25:24 Cuomo [1] - 4:11 current [1] - 6:19 curtain [1] - 39:3	discover [1] - 24:23 discovery [1] - 25:24 discuss [1] - 38:8 discussed [1] - 38:10 discussing [2] - 31:10, 36:15 discussion [1] - 29:10 distress [2] - 21:24, 22:2 DISTRICT [2] - 1:2, 1:2 Division [1] - 14:20 division [1] - 9:19 Doctor [1] - 5:18 doctor [2] - 8:14, 32:21 documents [1] - 25:25 done [2] - 29:5, 39:12 door [2] - 24:18, 24:25 doors [1] - 31:17 double [2] - 24:25, 31:17 down [1] - 19:18 Dr [26] - 10:2, 10:18, 16:22, 16:25, 17:3, 17:8, 17:10, 17:15, 21:10, 21:18, 23:9, 23:13, 25:20, 27:20, 28:15, 30:11, 30:19, 32:5, 34:15, 36:11, 36:15, 37:5, 37:14, 37:22, 37:23, 38:7 dr [1] - 23:14 draw [2] - 9:3, 18:9 drug [1] - 7:21 duly [2] - 5:4, 42:12 during [3] - 14:7, 24:2, 37:14 duties [1] - 18:3	19:9 entire [1] - 31:8 equipment [2] - 20:5, 34:22 ERRATA [1] - 40:3 ESQ [3] - 2:8, 2:16, 2:17 established [2] - 10:16, 36:22 estimate [1] - 26:6 evaluate [1] - 7:16 evaluated [4] - 7:20, 11:7, 19:5, 19:9 evaluation [19] - 9:5, 9:9, 9:12, 10:5, 10:12, 10:24, 11:9, 11:13, 11:25, 12:6, 12:11, 12:16, 17:18, 17:24, 17:25, 18:6, 18:20, 19:22, 21:9 evaluations [2] - 19:14, 36:20 exact [1] - 21:3 exactly [1] - 37:18 exam [10] - 19:11, 22:7, 26:22, 26:23, 32:23, 32:25, 33:11, 33:17, 34:5, 38:14 examination [12] - 13:24, 14:8, 18:8, 20:19, 20:24, 21:20, 21:22, 26:18, 33:11, 37:4, 38:4, 38:6 EXAMINATION [2] - 5:16, 43:5 examinations [4] - 33:19, 34:7, 35:6, 37:10 examine [1] - 12:23 examined [3] - 5:5, 22:17, 26:5 examining [2] - 21:11, 31:11 exams [3] - 7:17, 7:18, 26:6 except [1] - 3:6 Executive [1] - 4:10 Exhibit [3] - 29:12, 29:17, 43:9 existence [1] - 34:25 existing [1] - 35:16 explain [2] - 22:12, 22:20 explained [1] - 28:15 explaining [1] - 22:23 explanation [1] - 27:14 extreme [1] - 21:24	filing [1] - 3:14 filmed [2] - 37:5, 37:10 finally [1] - 36:5 finish [1] - 6:3 finished [1] - 24:9 first [7] - 5:3, 6:3, 14:25, 24:10, 26:21, 27:16, 29:22 Fischer [18] - 10:2, 10:18, 21:10, 21:18, 23:9, 23:13, 23:14, 25:21, 27:20, 28:15, 30:20, 32:5, 34:15, 36:15, 37:6, 37:15, 37:24, 38:8 fitness [1] - 18:10 floor [3] - 12:9, 12:11, 35:14 follow [2] - 19:13, 19:21 follow-up [1] - 19:21 following [2] - 16:12, 19:8 follows [1] - 5:6 FOR [1] - 2:4 form [5] - 3:7, 10:7, 10:15, 25:12, 26:10 formulate [1] - 18:14 forth [1] - 42:12 forward [3] - 34:5, 36:17, 37:8 fracture [2] - 15:3, 15:7 frame [1] - 30:22 Friday [1] - 16:14 FURTHER [2] - 3:9, 3:13
D	D	E	G
daily [1] - 26:8 damage [1] - 15:23 dash [1] - 30:10 date [4] - 9:6, 21:3, 29:13, 35:18 DAVID [1] - 2:17 deal [1] - 14:23 deem [1] - 28:13 Defendant [3] - 1:9, 1:15, 2:11 department [1] - 28:8 Department [1] - 6:22 DEPARTMENT [1] - 2:10 depose [1] - 6:17 deposition [8] - 1:14, 3:10, 3:15, 4:3, 4:5, 4:6, 42:11, 42:13 Deputy [1] - 6:21 describe [1] - 12:15 desk [2] - 21:16, 39:4 Detective [2] - 23:11, 23:22 detective [1] - 23:24 determination [1] - 19:12 determine [2] - 14:22, 17:25 Diane [4] - 13:12, 13:19, 13:21 different [1] - 8:5 direct [4] - 13:9, 13:10, 25:18, 27:18 directed [1] - 25:20 director [1] - 9:18 Director [1] - 6:21	early [1] - 21:6 eighth [2] - 12:8, 12:11 either [4] - 10:18, 13:16, 15:15, 21:18 electronic [1] - 14:21 elevation [1] - 15:13 Eller [4] - 13:12, 13:13, 13:19, 13:21 Ellers [1] - 13:12 email [1] - 35:19 emailed [1] - 35:13 emails [1] - 35:24 emergency [8] - 12:13, 12:19, 12:21, 24:14, 25:2, 30:15, 31:24, 39:5 emotions [1] - 26:17 employed [3] - 7:5, 7:8, 8:7 employee [2] - 18:2, 21:11 employee's [1] - 27:3 employees [2] - 7:16, 27:12 employment [1] - 6:19 end [2] - 17:6, 25:15 ending [1] - 30:4 ensure [3] - 15:3, 15:21,	F	G-A-U-N-T [1] - 23:11 Gaunt [2] - 23:11, 23:22 gaunt [1] - 23:24 gears [1] - 19:25 given [4] - 18:21, 26:25, 35:8, 42:14 Governor [1] - 4:11 grab [1] - 13:21 graduate [1] - 8:24 Grodentzik [1] - 4:22 GRODENTZIK [20] - 2:16, 4:21, 10:6, 10:14, 17:20, 19:16, 20:7, 25:11, 26:9, 27:23, 29:24, 31:20, 32:17, 33:3, 33:13, 33:21, 34:9, 36:21, 37:11, 39:10 ground [1] - 5:25
H	H	H	H
half [1] - 7:3 hallway [2] - 35:19, 35:20 hallways [1] - 34:21 hand [18] - 12:24, 13:7, 13:17, 13:22, 13:23, 13:25, 14:24, 15:2, 15:18, 15:20, 15:25, 18:5, 18:23, 19:5,	half [1] - 7:3 hallway [2] - 35:19, 35:20 hallways [1] - 34:21 hand [18] - 12:24, 13:7, 13:17, 13:22, 13:23, 13:25, 14:24, 15:2, 15:18, 15:20, 15:25, 18:5, 18:23, 19:5,	facility [2] - 35:10, 38:2 facts [2] - 10:15, 36:22 family [1] - 8:18 February [1] - 36:9 feed [6] - 21:19, 22:14, 22:19, 22:24, 24:17, 24:18 few [1] - 5:25 file [1] - 29:15	half [1] - 7:3 hallway [2] - 35:19, 35:20 hallways [1] - 34:21 hand [18] - 12:24, 13:7, 13:17, 13:22, 13:23, 13:25, 14:24, 15:2, 15:18, 15:20, 15:25, 18:5, 18:23, 19:5,

19:6, 19:17, 19:19 held [2] - 14:18, 29:10 help [4] - 6:5, 6:11, 18:9, 18:13 HEREBY [1] - 3:4 hereby [1] - 42:9 hereinbefore [1] - 42:11 hereto [1] - 3:6 high [1] - 31:16 higher [1] - 8:10 history [2] - 12:22, 13:6 holding [1] - 13:15 hours [1] - 30:8 Howard [1] - 10:2	itself [1] - 31:23 J Jacob [1] - 8:22 Jeremy [3] - 16:22, 17:3, 17:8 JERSEY [1] - 1:8 Jersey [3] - 2:13, 5:14, 7:6 job [3] - 6:25, 7:11, 18:21 Journal [2] - 34:22, 37:23 June [3] - 7:2, 7:9, 8:7 JUSTICE [1] - 2:4	M M.D [5] - 1:15, 5:2, 5:10, 41:9, 42:10 main [2] - 8:2, 29:5 maintenance [3] - 7:17, 35:10, 38:2 male [1] - 13:13 male's [1] - 13:14 manner [1] - 4:15 march [1] - 7:9 March [2] - 4:12, 21:7 mark [1] - 29:16 marked [2] - 29:12, 29:15 marriage [1] - 42:17 Martin [13] - 9:15, 9:16, 10:4, 10:22, 11:2, 11:15, 21:15, 21:19, 23:8, 25:21, 30:19, 32:6, 38:7 Martin's [1] - 21:13 Mary [2] - 13:4, 38:13 matter [1] - 42:18 mean [2] - 19:16, 33:24 Medical [6] - 6:21, 14:19, 17:19, 20:5, 37:23, 38:9 medical [26] - 7:20, 8:14, 8:19, 8:25, 9:5, 9:19, 10:5, 10:12, 10:23, 11:25, 12:6, 12:15, 14:15, 14:17, 14:21, 16:17, 17:17, 17:23, 18:5, 18:10, 19:22, 23:14, 28:8, 33:19, 34:7, 37:10 medically [3] - 11:7, 18:2, 18:21 medication [1] - 28:12 medications [4] - 6:14, 28:11, 28:16, 28:25 medicine [1] - 8:18 Medicine [1] - 8:22 meeting [5] - 13:9, 13:11, 13:21, 17:15, 24:3 memory [1] - 14:3 mentioned [2] - 8:6, 30:18 might [10] - 6:15, 16:21, 16:24, 17:3, 17:4, 18:24, 28:10, 28:24, 34:20, 36:18 mind [2] - 22:19, 27:10 minute [1] - 32:10 minutes [1] - 29:23 mistaken [1] - 14:4 morning [1] - 11:21 moved [2] - 8:9, 28:23 moving [2] - 36:17, 37:7 MP4 [1] - 29:15 MR [26] - 4:19, 5:17, 10:10, 10:21, 19:18, 25:17, 28:3, 29:4, 29:14, 30:5, 30:6, 32:2, 32:8, 32:18, 32:20, 33:6, 33:16, 34:3, 34:13, 36:10, 36:13, 37:2, 37:17, 39:6,	39:12, 39:16 MS [19] - 4:21, 10:6, 10:14, 17:20, 19:16, 20:7, 25:11, 26:9, 27:23, 29:24, 31:20, 32:17, 33:3, 33:13, 33:21, 34:9, 36:21, 37:11, 39:10 must [1] - 28:7 N name [7] - 4:17, 5:8, 5:18, 13:2, 13:12, 13:14, 35:22 naproxen [1] - 15:15 narrate [6] - 22:7, 22:10, 22:13, 22:14, 24:10, 30:21 narrated [1] - 24:3 narrating [2] - 23:3, 24:9 narrow [1] - 19:18 nature [1] - 28:4 need [5] - 21:12, 22:7, 22:9, 22:13 needed [1] - 11:6 never [2] - 26:22, 26:25 NEW [5] - 1:2, 1:8, 42:3, 42:5 New [12] - 1:19, 2:7, 2:12, 2:15, 5:5, 5:14, 6:22, 7:6, 8:23, 42:9 next [1] - 4:25 Notary [3] - 1:18, 5:4, 42:8 noted [1] - 39:17 notes [13] - 14:2, 14:7, 14:11, 14:14, 15:16, 16:15, 21:4, 36:2, 36:5, 36:6, 36:7, 36:8, 36:11 notice [1] - 32:3 notified [1] - 11:4 Novich [5] - 17:2, 17:4, 17:8, 17:11, 17:15 Number [1] - 4:11 Nurse [2] - 38:19, 38:22 nurse [8] - 10:18, 12:20, 13:2, 16:10, 38:13, 38:18, 38:25, 39:3 nurses [2] - 10:19, 16:10 NY [2] - 2:7, 2:15 O oath [3] - 3:12, 4:8, 4:9 Objection [9] - 10:6, 17:20, 25:11, 27:23, 31:20, 33:3, 33:13, 33:21, 34:9 objection [5] - 10:14, 20:7, 26:9, 36:21, 37:11 objections [2] - 3:6, 4:14 October [3] - 1:11, 40:2, 43:2 OF [4] - 1:2, 1:8, 42:3, 42:5 off-the-record [1] - 29:9
 I ibuprofen [1] - 15:15 ice [1] - 15:11 identification [1] - 29:13 immediate [3] - 9:21, 9:23, 9:24 immediately [2] - 21:14, 22:3 included [1] - 25:25 INDEX [1] - 43:3 indicate [3] - 4:16, 11:15, 35:3 indicated [3] - 21:10, 26:16, 37:3 indication [3] - 24:5, 25:4, 36:17 individual [3] - 30:25, 31:4, 38:16 individually [1] - 1:4 individuals [1] - 23:8 inflammatory [1] - 15:14 inform [1] - 35:12 information [2] - 35:7, 36:14 informed [2] - 34:4, 37:9 initial [1] - 27:15 injured [6] - 9:11, 9:14, 11:5, 11:17, 12:25, 13:23 injuries [2] - 15:4, 19:10 injury [6] - 7:18, 9:12, 11:7, 12:23, 13:6, 14:5 inner [1] - 25:3 inquiries [2] - 25:19, 25:20 inquiry [4] - 27:18, 27:22, 34:17, 34:24 instructions [1] - 11:12 interaction [1] - 13:20 interested [1] - 42:18 introduced [1] - 12:21 investigated [1] - 37:25 IS [3] - 3:4, 3:9, 3:13 issue [1] - 15:24 issued [1] - 4:11 IT [3] - 3:4, 3:9, 3:13	 K keep [3] - 28:16, 36:18, 37:9 keeping [2] - 28:25, 35:4 kept [4] - 18:24, 19:2, 25:15, 34:6 Kerlegand [1] - 5:9 KERLEGRAND [4] - 1:15, 5:2, 41:9, 42:10 Kerlegrand [2] - 30:12, 43:6 Kerlegrand's [1] - 36:11 kind [2] - 13:16, 15:14 knowledge [1] - 24:13 known [1] - 36:22 KROMM [1] - 2:17 L Lauren [2] - 4:21, 39:9 LAUREN [1] - 2:16 LAW [1] - 2:10 lawsuit [1] - 5:21 learn [2] - 24:8, 25:9 learned [2] - 21:22, 38:5 learning [2] - 33:17, 34:5 least [1] - 38:10 left [1] - 31:5 licensed [1] - 8:13 lieu [1] - 4:8 ligaments [1] - 15:22 line [1] - 29:5 located [1] - 31:14 location [2] - 7:23, 31:12 locations [2] - 8:5, 36:16 look [1] - 24:20 looked [2] - 24:22, 24:24 looking [1] - 27:13 Loretta [1] - 38:17 lunch [1] - 12:3		

47

<div><div>Office [3] - 17:19, 20:5, 38:9</div><div>office [6] - 11:3, 21:13, 21:14, 23:6, 38:25, 39:2</div><div>officer [3] - 3:11, 7:20, 23:15</div><div>official [1] - 23:19</div><div>often [3] - 26:6, 26:13, 26:15</div><div>once [1] - 35:8</div><div>one [14] - 10:19, 13:17, 13:19, 16:10, 24:7, 28:11, 30:22, 31:8, 34:21, 34:22, 35:16, 37:13, 38:13, 39:14</div><div>operational [1] - 23:20</div><div>opportunity [1] - 26:25</div><div>order [1] - 1:17</div><div>Order [1] - 4:10</div><div>ordering [2] - 32:15, 39:13</div><div>original [1] - 39:14</div><div>outcome [1] - 42:18</div><div>outrage [3] - 21:24, 22:2, 37:9</div><div>outraged [5] - 26:17, 26:19, 26:20, 27:6, 37:4</div></div>	<div><div>16:4, 24:14</div><div>phone [1] - 13:22</div><div>physical [3] - 29:18, 29:19, 31:12</div><div>physically [1] - 4:4</div><div>physician [5] - 7:13, 7:15, 7:24, 22:18, 26:22</div><div>physicians [1] - 8:4</div><div>picture [1] - 35:19</div><div>place [5] - 11:20, 12:7, 12:12, 12:13, 27:16</div><div>Plaintiff [1] - 2:5</div><div>plaintiff [2] - 4:20, 5:20</div><div>Plaintiffs [2] - 1:6, 1:16</div><div>PLAINTIFFS' [1] - 43:8</div><div>Plaintiffs' [1] - 29:12</div><div>plan [1] - 35:14</div><div>Platero [1] - 38:17</div><div>Platero's [1] - 38:22</div><div>play [1] - 29:22</div><div>playing [2] - 30:2, 30:9</div><div>point [10] - 7:4, 11:11, 13:19, 17:12, 23:2, 24:7, 31:13, 31:18, 37:13, 39:7</div><div>pointed [1] - 28:19</div><div>Police [1] - 23:25</div><div>policies [1] - 20:2</div><div>policy [2] - 20:11, 20:12</div><div>Port [21] - 2:12, 4:22, 5:22, 7:5, 7:12, 7:24, 8:4, 8:7, 8:9, 9:19, 14:19, 17:18, 20:3, 23:15, 23:25, 34:8, 34:12, 35:21, 36:4, 36:18, 37:6</div><div>PORT [2] - 1:8, 2:10</div><div>posed [1] - 6:7</div><div>position [2] - 8:11, 18:14</div><div>possible [1] - 35:2</div><div>post [2] - 7:18, 9:12</div><div>post-injury [2] - 7:18, 9:12</div><div>practice [2] - 8:17, 10:3</div><div>presence [1] - 32:5</div><div>present [1] - 4:5</div><div>pretty [1] - 29:4</div><div>procedure [2] - 20:11, 20:12</div><div>procedures [1] - 20:3</div><div>produced [1] - 24:6</div><div>production [1] - 36:11</div><div>professionals [1] - 16:18</div><div>prosecutor [1] - 26:2</div><div>protocol [1] - 35:3</div><div>psychologist [1] - 16:22</div><div>Public [3] - 1:18, 5:4, 42:8</div><div>purpose [2] - 9:8, 17:14</div><div>pursuant [2] - 1:16, 4:10</div><div>put [2] - 28:10, 36:12</div></div>	<div><div>questions [7] - 6:11, 6:16, 32:11, 32:19, 39:7, 39:8, 39:11</div></div> <div>R</div> <div><div>rarely [1] - 26:14</div><div>ray [1] - 15:6</div><div>rays [1] - 14:25</div><div>reached [1] - 18:17</div><div>reaction [3] - 21:21, 38:19, 38:23</div><div>read [1] - 29:25</div><div>really [2] - 26:12, 33:24</div><div>reason [3] - 8:8, 15:19, 27:11</div><div>reasons [4] - 8:12, 26:21, 27:5</div><div>receive [7] - 11:11, 24:5, 25:4, 25:22, 27:21, 28:20, 34:16</div><div>received [1] - 27:25</div><div>reception [2] - 24:19, 25:3</div><div>recess [1] - 32:13</div><div>recognize [2] - 30:11, 30:14</div><div>recommended [4] - 15:8, 15:13, 15:17, 15:20</div><div>recommending [1] - 16:7</div><div>record [12] - 4:18, 5:8, 6:5, 6:12, 14:16, 14:17, 14:21, 29:8, 29:9, 29:25, 33:8, 42:13</div><div>recorded [7] - 20:20, 20:25, 21:9, 22:4, 22:5, 25:6, 25:10</div><div>recording [1] - 13:20</div><div>redirect [1] - 32:12</div><div>redness [1] - 14:4</div><div>referred [1] - 16:2</div><div>related [1] - 42:16</div><div>relevance [1] - 33:23</div><div>remember [14] - 9:17, 11:22, 12:2, 12:18, 13:14, 16:11, 16:23, 18:23, 19:6, 21:3, 33:24, 34:23, 35:8, 37:13</div><div>remotely [3] - 1:17, 4:7, 4:10</div><div>rephrase [1] - 6:8</div><div>report [1] - 21:13</div><div>reported [1] - 1:17</div><div>REPORTER [5] - 4:2, 5:7, 5:11, 32:15, 39:13</div><div>Reporter [2] - 1:18, 42:7</div><div>reporting [2] - 4:6, 4:15</div><div>REQUEST [1] - 43:11</div><div>reserved [1] - 3:7</div><div>respect [2] - 19:17, 19:19</div><div>respective [1] - 3:5</div><div>response [12] - 25:22, 27:22, 27:25, 28:5, 28:6,</div></div>	<div><div>28:13, 28:20, 28:22, 28:23, 29:3, 34:16, 35:11</div><div>responses [1] - 6:10</div><div>responsibilities [1] - 7:14</div><div>responsibility [1] - 8:11</div><div>rest [2] - 15:11, 39:4</div><div>result [1] - 13:23</div><div>results [1] - 7:21</div><div>return [1] - 7:18</div><div>reveal [1] - 13:25</div><div>revealed [1] - 19:11</div><div>review [2] - 7:20, 21:16</div><div>reviewed [1] - 7:21</div><div>RICE [1] - 15:9</div><div>RICHARD [1] - 2:8</div><div>richard [1] - 4:19</div><div>Richard [1] - 5:19</div><div>rights [2] - 27:2, 27:3</div><div>Robin [13] - 9:15, 9:16, 10:22, 11:2, 21:13, 21:15, 21:18, 22:6, 22:12, 22:25, 23:8, 25:21, 30:19</div><div>Robin's [2] - 21:14, 23:6</div><div>room [20] - 4:3, 4:5, 12:10, 12:19, 12:21, 21:11, 24:14, 24:19, 25:2, 26:4, 26:7, 26:13, 30:15, 31:11, 31:13, 31:25, 32:4, 38:14, 38:25, 39:5</div><div>rooms [3] - 12:14, 37:16, 38:4</div><div>routine [1] - 33:19</div><div>rules [1] - 5:25</div></div> <div>S</div> <div><div>Sanitation [1] - 6:22</div><div>satisfactory [2] - 27:21, 28:2</div><div>saw [4] - 17:7, 17:8, 24:25, 27:2</div><div>scheduled [4] - 16:17, 16:21, 16:25, 17:5</div><div>school [2] - 8:20, 8:25</div><div>School [1] - 8:22</div><div>screen [1] - 29:7</div><div>sealing [1] - 3:14</div><div>second [2] - 6:5, 24:11</div><div>security [1] - 20:13</div><div>see [9] - 15:17, 15:20, 16:8, 16:17, 16:25, 17:5, 24:20, 29:6, 32:11</div><div>seeing [2] - 15:5, 17:6</div><div>seek [1] - 27:14</div><div>seem [1] - 15:7</div><div>sent [1] - 26:2</div><div>separates [1] - 39:3</div><div>serious [1] - 19:10</div><div>Services [3] - 17:19, 20:5, 38:9</div></div>
---	---	---	---

<div>set [1] - 42:11</div> <div>several [2] - 26:21, 27:4</div> <div>share [2] - 17:10, 29:7</div> <div>sharing [1] - 32:9</div> <div>SHARON [1] - 42:22</div> <div>Sharon [2] - 1:17, 42:7</div> <div>shock [2] - 21:24, 21:25</div> <div>short [1] - 32:13</div> <div>Shorthand [2] - 1:18, 42:7</div> <div>showed [4] - 21:19, 30:21, 35:15, 35:19</div> <div>shown [1] - 30:19</div> <div>shows [1] - 31:24</div> <div>sick [1] - 7:19</div> <div>sign [1] - 14:5</div> <div>signed [1] - 3:10</div> <div>similarly [1] - 1:4</div> <div>sit [1] - 21:15</div> <div>situated [1] - 1:5</div> <div>snapshot [1] - 31:2</div> <div>soft [1] - 15:22</div> <div>sort [3] - 19:21, 28:20, 31:18</div> <div>SOTO [27] - 2:8, 4:19, 5:17, 10:10, 10:21, 19:18, 25:17, 28:3, 29:4, 29:14, 30:5, 30:6, 32:2, 32:8, 32:18, 32:20, 33:6, 33:16, 34:3, 34:13, 36:10, 36:13, 37:2, 37:17, 39:6, 39:12, 39:16</div> <div>Soto [3] - 4:19, 5:19, 43:6</div> <div>South [9] - 8:3, 11:9, 12:8, 16:18, 20:6, 20:14, 33:20, 34:19, 35:14</div> <div>SOUTHERN [1] - 1:2</div> <div>space [2] - 28:9, 39:2</div> <div>speaks [1] - 31:22</div> <div>specialist [1] - 16:9</div> <div>specialization [1] - 8:17</div> <div>specific [1] - 11:12</div> <div>sprain [2] - 14:6, 15:9</div> <div>Square [2] - 34:23, 37:23</div> <div>ss [1] - 42:4</div> <div>staff [3] - 7:13, 7:15, 7:23</div> <div>standard [2] - 10:3, 15:8</div> <div>standing [1] - 30:16</div> <div>start [1] - 30:8</div> <div>started [4] - 12:23, 21:19, 30:3, 36:8</div> <div>state [1] - 5:7</div> <div>State [3] - 1:19, 5:5, 42:8</div> <div>STATE [1] - 42:3</div> <div>statement [1] - 5:23</div> <div>STATES [1] - 1:2</div> <div>stating [1] - 4:17</div> <div>station [1] - 8:2</div> <div>status [6] - 6:20, 17:18, 17:23, 18:6, 18:20, 19:22</div> <div>stealing [1] - 28:11</div> <div>still [3] - 18:22, 28:18, 35:23</div>	<div>STIPULATED [3] - 3:4, 3:9, 3:13</div> <div>STIPULATIONS [1] - 3:2</div> <div>stop [1] - 32:9</div> <div>storage [1] - 25:14</div> <div>stored [2] - 25:5, 25:9</div> <div>Subscribed [1] - 41:13</div> <div>subsequently [1] - 25:8</div> <div>Suite [1] - 2:6</div> <div>supervisor [9] - 9:21, 9:24, 10:19, 11:6, 13:9, 13:10, 23:20, 35:10, 38:18</div> <div>supervisor's [2] - 39:2, 39:4</div> <div>supervisors [1] - 35:12</div> <div>supplemental [1] - 36:10</div> <div>supposed [1] - 16:8</div> <div>surgeon [5] - 15:18, 15:20, 16:2, 19:5, 19:7</div> <div>surname [2] - 16:23, 17:4</div> <div>surprise [1] - 38:20</div> <div>surprised [2] - 38:21, 38:24</div> <div>surrounding [2] - 20:4, 20:12</div> <div>surveillance [2] - 7:17, 20:4</div> <div>swelling [2] - 14:3, 14:24</div> <div>sworn [5] - 3:10, 5:4, 5:23, 41:13, 42:12</div>	<div>title [5] - 7:11, 9:17, 18:22, 23:16, 23:19</div> <div>today [2] - 5:23, 6:17</div> <div>took [7] - 11:20, 12:11, 12:13, 36:2, 36:3, 36:5, 36:6</div> <div>torn [1] - 15:22</div> <div>Trade [1] - 2:14</div> <div>transcript [2] - 32:16, 39:15</div> <div>treatment [2] - 14:23, 15:8</div> <div>trial [1] - 3:8</div> <div>tried [1] - 13:21</div> <div>true [1] - 42:13</div> <div>truthful [1] - 6:16</div> <div>try [4] - 6:8, 29:6, 29:19, 32:8</div> <div>turned [2] - 21:17, 36:19</div> <div>two [6] - 7:2, 7:3, 8:12, 12:5, 31:16, 38:11</div>	<div>waived [1] - 3:15</div> <div>walking [1] - 12:19</div> <div>water [1] - 13:16</div> <div>Weehawken [1] - 26:3</div> <div>white [1] - 30:16</div> <div>Whiteley [1] - 37:22</div> <div>WITNESS [4] - 4:24, 5:9, 5:13, 43:5</div> <div>witness [3] - 5:3, 42:11, 42:14</div> <div>World [1] - 2:14</div> <div>would've [1] - 26:24</div> <div>writing [1] - 36:12</div>	
			X	
			X-ray [1] - 15:6 X-rays [1] - 14:25	
			Y	
			years [2] - 7:3 YORK [4] - 1:2, 1:8, 42:3, 42:5 York [9] - 1:19, 2:7, 2:12, 2:15, 5:5, 6:22, 7:6, 8:23, 42:9 yourself [3] - 26:5, 32:22, 33:2	
	T			
	TAL [1] - 42:22 Tal [2] - 1:17, 42:7 Talarico [22] - 5:21, 9:6, 11:4, 11:8, 11:16, 11:24, 12:16, 13:5, 13:15, 16:16, 18:6, 19:14, 19:22, 20:20, 20:24, 22:16, 26:4, 30:17, 31:6, 32:24, 33:10, 38:6 TALARICO [1] - 1:4 Talarico's [3] - 12:24, 13:22, 21:20 taped [1] - 21:23 task [1] - 10:19 Tech [4] - 34:20, 35:20, 35:21 terms [1] - 35:4 test [1] - 7:21 testified [1] - 5:6 testimony [1] - 42:13 TH11-133100-135207 [1] - 29:16 THE [7] - 1:8, 4:2, 4:24, 5:7, 5:9, 5:11, 5:13 therefore [1] - 15:7 third [2] - 6:9, 15:17 throughout [2] - 8:4, 22:20 timestamp [2] - 30:2, 30:7 timing [1] - 16:8 tissue [1] - 15:23			
		V		
		vantage [2] - 31:13, 31:18 venue [1] - 22:22 verbal [1] - 6:10 Video [1] - 43:9 video [35] - 20:4, 20:20, 20:25, 21:23, 22:14, 22:19, 22:21, 22:24, 23:2, 23:4, 24:4, 24:5, 24:12, 24:17, 25:5, 25:9, 25:15, 29:7, 29:11, 29:14, 29:21, 30:11, 30:19, 30:20, 30:23, 30:24, 31:2, 31:8, 31:9, 31:12, 31:14, 31:15, 31:22, 37:15, 38:21 Videoconference [1] - 1:14 videos [1] - 25:25 videotaped [11] - 26:18, 26:23, 32:23, 33:2, 33:9, 33:12, 33:18, 34:6, 34:7, 35:5, 38:7 videotaping [1] - 27:7 view [1] - 28:17 violation [1] - 27:2		
		W		
		waive [1] - 4:14		